

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
[FIELD(Division)]

FIELD(Plaintiff),

Plaintiff,

v.

Civil Action No. FIELD(Case Number)

FIELD(Defendant),

Defendant.

Exhibit 1 - INITIAL SCHEDULING ORDER

_____ A Fed. R. Civ. P. 16(b) PRETRIAL CONFERENCE will be held on Friday, FIELD(60+/- Days after Complaint filed) at FIELD(Initial Conference Time) in chambers Room 619, Hugo L. Black United States Courthouse.

The parties shall confer prior to this conference to consider the claims, defenses, possibilities of a prompt settlement or resolution of the case, trial before a Magistrate Judge, to arrange for the disclosures required by Rule 26(a)(1), and develop a discovery plan which will complete discovery by Friday, FIELD(150+/- Days after Complaint filed, Discovery Deadline). Failure to promptly proceed will not be "good cause". The parties must file their discovery plan by the Friday preceding the Rule 16(b) conference.

All parties shall file an answer within twenty (20) days. Discovery may begin upon receipt of this order. A party may not exceed five (5) non-party, non-expert witness depositions nor serve on any other party more than thirty (30) interrogatories, including parts and subparts, without leave of court.

The Rule 16(d) FINAL PRETRIAL CONFERENCE will be held 10 weeks following Dispositive Motions Deadline (as set in the Court's Scheduling Order which will be entered after the Report of Parties' Planning Meeting), in chambers, Room 619, Hugo L. Black Federal Courthouse. All counsel who will be present at trial must appear for the final pretrial conference.

The parties must bring to the final pretrial conference the Rule 26(a)(3) disclosures and a list of the exhibits to be used at trial, a list of the witnesses to be called at trial and a written stipulation of uncontested facts. The exhibits themselves or a copy should be exchanged with opposing counsel before the conference. Objections to exhibits must be filed within 10 days after the conference; otherwise the exhibits shall stand admitted in evidence. The original exhibits shall be delivered to the clerk one (1) business day before trial. Non-expert witnesses and exhibits not so disclosed and listed will not be permitted at trial except for impeachment or rebuttal, and no person may testify whose identity, being subject to disclosure or timely requested in discovery, was not disclosed in time to be deposed or to permit the substance of his knowledge and opinions to be ascertained.

At the final pretrial conference, the trial of this case will be set for a day certain, within 4-8 weeks of the final pretrial conference.

The parties are directed to read and follow the Standing Order Establishing Pretrial Procedure and Guidelines For Civil Trial Preparation, available from the Courtroom Deputy, Ms. Yolonda Berry, (205) 278-1722.

VIRGINIA EMERSON HOPKINS
UNITED STATES DISTRICT JUDGE

August 10, 2004
Birmingham, Alabama